

Minutes of the Special and Regular Meeting Of May 24, 2005
Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETINGS

CLOSED SESSION - 6:15 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: 1) MMCEA, 2) AFSCME.
- B. Conference with Real Property Negotiator, Public Works Director Davis, Pursuant to Government Code Section 54956.8, for Property Located at 700 Island Parkway (APN# 040 360 400)
- C. Conference with Legal Counsel – Anticipated Litigation; Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)--one case

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Manager Crist, Interim City Attorney Zafferano, Finance Director Fil, Public Works Director Davis (Item B) Human Resources Director Dolan (Item A), and Larry Abelin Negotiator, (Item A). Deputy City Clerk Harrington was excused from attending.

ADJOURNMENT at this time, being 7:20 P.M.

Sheila Harrington
Deputy City Clerk

Meeting not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Crist, Interim City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, Police Chief Mattei, Deputy City Clerk Harrington.

REPORT FROM CLOSED SESSION

Mayor Warden announced that direction was given, no action taken during the closed sessions.

PUBLIC COMMENTS AND ANNOUNCEMENTS

John Violet, announced that Friends of Belmont Library will hold their annual meeting on June 9th for the election of new officers and a progress report on the new library. He announced that Summerhill Homes donated \$5,000 for the new library and \$5,000 for Belmont Safe Schools.

COUNCIL COMMENTS

Councilmember Mathewson announced that June 3-11 would be Affordable Housing Week in Belmont.

Mayor Warden read from the proclamation that he issued recently celebrating the 100th birthday of Belmont resident Margaret Traina. He congratulated the Finance Department for their 13th Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. He thanked Summerhill Homes for the donations mentioned earlier and noted future Council meetings would be held in the new Council Chambers at City Hall.

CONVENE A JOINT MEETING OF THE CITY COUNCIL AND FINANCE COMMISSION

CALL TO ORDER 7:40 P.M.

Commissioners present: Troyan, Loo, Korn, Leiberman

Commissioners absent: Sepah-Mansour, Mannisto, Ledoux, White

Joint Work Session

Finance Director Fil noted that since this was a Study Session, a quorum of the Finance Commission was not necessary. Finance Director Fil stated \$3.4 million in adjustments have been made in recent years and due to this early planning, the proposed 5 per cent budget correction strategy would not be necessary. He stated that the 5 percent correction strategy could be implemented, if necessary, during the midyear budget review. The combined general fund revenue was expected to be \$13.4 million. He noted that within the General Fund, Property Taxes were expected to grow by 9 percent and the Transient Occupancy Tax would increase by 15 percent. He anticipated that Sales Tax would remain flat. General Fund expenditure increases included Public Employees Retirement System (PERS) retirement costs, a potential 2 percent cost of living increase for personnel, and 1 percent growth for city supplies and services. He noted the PERS retirement increases were due to the public safety 3 percent at 50 benefit and PERS investment losses. Finance Director Fil anticipated the PERS expenses would be leveling off.

Finance Director Fil reviewed the Capital Improvement Projects budget which consisted of \$6.3 million for the library project, \$3.9 for sewer/storm drains, \$1.7 for Redevelopment Agency, \$1.7 for Low-to-Moderate Income projects, \$0.8 for Police Station/City Hall Phase 2, \$0.7 for street improvements, and \$0.6 for miscellaneous projects.

Finance Director Fil noted that the department measures for Performance Based Budgeting have been reduced from 207 to 93 measures. These preliminary years would yield trend data for the organization to be used for comparison purposes in future years.

The General Fund Reserve was projected to be \$2.25 million. Finance Director Fil stated that if the City Council approved budget corrections of \$173,000 this would ensure that the maximum target reserve would be met for the next five years. Staff did not recommend taking this action at this time.

Finance Director Fil highlighted uncertainties that could affect the 2006 budget. He noted that that the State budget has not been adopted and there are \$750,000 in additional takeaways for ERAF funding. On the positive side, the State has not proposed any new revenue shifts. The governor has accelerated the Vehicle License Fee Back fill of \$200,00 for 2006 instead of 2007, and Belmont will receive \$100,000 in street improvement funds due to Proposition 42.

Finance Director Fil identified funds that the City Council could consider adjusting. Due to revenue shortfalls, the Recreation Fund needs an additional 10 percent increase in subsidy to \$615,000. Development Services Fund is down by nearly 16 percent with modest growth projected for 2006. This fund will need a subsidy of \$100,000 for both 2005 and 2006. He noted that code enforcement activities might assess penalties in the future to generate funds. The Belmont Fire Protection District is assuming a 5 percent increase in funds to the South County Fire Authority (to be funded out of property tax increases). There will also be expenses associated with the dissolution of South County Fire Authority.

In response to Councilmember Bauer, Finance Director Fil stated the shortfall of Revenue Funds must be considered carefully. He noted that enrollment in recreation classes declined the last time fees were increased and Council must consider how much to subsidize this fund.

Finance Chair Lieberman stated that the City would receive 100 percent reimbursement from the State for the delayed Vehicle License Fees and that the past budget reductions helped the current budget.

Finance Commissioner Loo requested direction from Council on how the Finance Commission could add further value to the budget process.

Mayor Warden stated he would like Finance Commission to review staffing levels and to review the proposals from other agencies to provide fire service in Belmont.

Councilmember Metropulos agreed that staffing levels should be reviewed, especially in the Community Development and City Manager's offices.

Councilmember Mathewson requested the Finance Commission investigate whether a fire assessment would be useful and what monetary levels should be considered, and agreed that the city needed more planners.

Councilmember Feierbach concurred that more planners were needed and that Belmont should consider providing its own fire service.

Action: At this time being 8:45 P.M. the Joint Meeting of the Belmont City Council and Finance Commission was Adjourned.

Recess 8:45 P.M.

Reconvene 9:00 P.M.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of April 26, 2005.

Police Department/City Hall Project - May Monthly Update

Belmont Library/Belameda Park Project - May Monthly Update

Resolution No.9664 Approving a Three-Year Extension of the Cooperation Agreement with San Mateo County for the Housing Rehabilitation Loan Program

Resolution No. 9665 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$217,750, Approving a Construction Contingency not to Exceed \$21,775, and Authorizing the City Manager to Execute a Contract for Ralston Avenue Traffic Signal Interconnect Upgrade, City Contract Number 446

Resolution No. 9666 Approving Award of Contract to JMB Construction, Inc. for an Amount not to Exceed \$399,020, Approving a Construction Contingency not to Exceed \$39,902, and Authorizing the City Manager to Execute a Contract for Sanitary Sewer Construction and Modifications - Lyall Way, City Contract Number 465

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Calendar, as presented, was unanimously approved by a show of hands.

OLD BUSINESS

Discussion and Direction Concerning Recent South Bayside Waste Management Authority (SBWMA) and Browning-Ferris Industries Waste Systems of North America, Inc., Division of Allied Waste Industries, Inc. (BFI) Activities

City Engineer Phalen stated previous City Council action extended the BFI Franchise Agreement and that SBWMA extended BFI's transfer station operating and disposal agreements. She noted that benefits of those actions to the member agencies were a cash payment of \$11.6 million and a discount on the ongoing disposal rates.

City Engineer Phalen stated that BFI would notify customers, via a letter, of the rate increase and that lower service options were available. BFI has decided to initiate staggered billing to enhance customer service response time. The next residential bill will cover a two-month period (instead of three) and include a three-month retroactive increase (14 percent). For commercial clients, a one-month retroactive increase will be included. BFI has included small 10-gallon containers in the rate structure for approximately \$15.00 a quarter.

City Engineer Phalen stated she would update Council when all of the member agencies have fully executed the collection agreement extension. All agencies need to extend the agreement before BFI would enter into the disposal agreement. The disposal agreement would discount the current rate by approximately \$11.49 per ton. The SBWMA is considering different alternatives to allocate the rate reduction back to the ratepayers.

The SBWMA recently approved the allocation of the \$11.6 million back to the member agencies in proportion to each agency's 2004 disposal rates. The money may be used to reduce the amount of rate increases needed in future years and will be paid out quarterly.

The SBWMA Board commissioned a study and the following recommendations were made: the hiring of an executive director, creating a technical advisory committee with staff from each agency and retaining the board but limiting its scope to policy decisions to be staffed by senior city staff or elected officials. City Engineer Phalen requested Council direction on the recommendations.

In response to Council Metropulos, City Engineer Phalen clarified that the 10 gallon garbage service is currently available for residential customers.

In response to Councilmember Mathewson, City Engineer Phalen stated that the SBWMA consultant did not anticipate large financial increases associated with the potential staff restructuring of the SBWMA.

City Engineer Phalen stated in response to Mayor Warden that San Carlos chairs the JPA since the transfer station is located in San Carlos and they originally convened the group. Regional Government Services (RGS) is a JPA that San Carlos organized who were contracted to identify an executive recruiter. The SBWMA Board will approve the executive recruiter's contract.

Councilmember Bauer noted that the proposed changes would ultimately affect rates.

Council discussion ensued regarding senior staff versus elected officials on a SBWMA policy setting Board. The City Council concurred that elected officials should serve on a policy setting board. Mayor Warden added that the board should confirm the hiring of the executive director.

City Engineer Phalen stated she would share the City Council's position with the SBWMA Board before they voted on the issues. Council directed staff to draft a letter stating Belmont's position for Council approval at the next meeting.

NEW BUSINESS

Resolution Approving a Three-Year Extension of the Cooperation Agreement with San Mateo County for Community Development Block Grant (CDBG) Funding

Community Development Director Ewing stated that since 1996 Belmont has received funding through the County Community Development Block Grant. This federal funding is distributed through the county for low income services. Staff recommended approval of the extension through 2007.

Steve Cervantes, Director of San Mateo County Office of Housing, stated they receive input yearly from public and nonprofit sector to determine the community needs. Those needs determine the ranking of the funding, which this year is \$3.2 million. The Board of Supervisors make the final decision for the award of funding.

Councilmember Bauer stated the current federal administration is looking to eliminate this program and asked what could Belmont do to help keep the program.

Mr. Cervantes stated staff could not do any lobbying so a lobbyist was hired to help in Washington, D.C. He suggested getting the word out in the community to advocate for the funding. He noted the funding has been reduced this year.

Action: On motion by Councilmember Mathewson, seconded by Councilmember Bauer, and approved unanimously by a show of hands to adopt: Resolution No. 9667 Approving a Three-Year Extension of the Cooperation Agreement with San Mateo County for Community Development Block Grant Funding.

Discussion and Direction on Issues Related to Preparation of Noise Ordinance

Community Development Director Ewing reviewed current noise regulations and noted that the Zoning Ordinance required any activity in the C-1 Zone to obtain a Conditional Use Permit for exterior mounted refrigeration or mechanical equipment capable of creating noise or venting

vapors or odors within 100 feet of a residential area. He stated staff wanted to review this since in most cases the equipment must be installed before a problem is determined.

Community Development Director Ewing stated there were two ways to determine a noise violation. The first would be to establish specific decibel levels for various zones and use a noise meter to determine a violation. The other option would be to establish the “reasonable listener standard” which would be a judgment call. Community Development Director Ewing recommended adopting a combination of these options. Certain items would be exempt from the ordinance such as emergency sirens. A workshop was held on March 24 to allow the public to identify noise activities they would like addressed in the noise ordinance. The Police Department and Code Enforcement Officer respond to 700 calls annually, and this number may increase with a more comprehensive noise ordinance. Community Development Director Ewing stated Council might want to consider the noise ordinance when staff returns with an administrative citation process for code enforcement later in the year.

Chris Wozniak, Solana Drive, stated she attended the workshop and would like to see a higher community standard. She pointed out that noise travels within the hillside community and would like stricter restrictions on Sundays. She stated that if the Council was considering an exemption for waste pick up to keep in mind that residential waste pick up was quieter than industrial waste pick up. She favored exemptions for schools except in cases of amplification during non school hours.

David Long, South Road, stated that as a Planning Commissioner and a Neighborhood Association Presidents he receives noise related complaints on a regular basis. He thought noise could be controlled with a well defined noise ordinance. He noted that he is sensitive to noise pollution yet believed that some exceptions were good but that loopholes should be avoided.

Councilmember Bauer stated that he lived behind Ralston Middle School with activities seven days a week and noted that people must consider the surroundings when deciding where to live.

Council discussion ensued.

Police Chief Mattei stated the police department receives various noise complaints and the majority of the time people are cooperative. Depending on the circumstances verbal warnings are given before citations are issued. He stated the more people that phone in specific noise complaints, the quicker the response from the police department. He stated that the Teleminder System is used for certain community events that cause noise to inform neighbors in advance.

Council concurred they would like the noise ordinance to include the dual approach of a noise meter and the reasonable listener standard.

Council discussed the amplification systems used at schools, idling trucks, airplanes and how that affects the surrounding and uphill neighbors. Council concurred that there needed to be a standard of reasonableness, common sense, and courtesy.

Councilmember Metropulos stated that certain exceptions are necessary such as allowing sirens for emergency vehicles.

Councilmember Mathewson stated there were no easy solutions to noise and proposed a trial basis for some of the changes. He suggested the Council review the changes in a year for effectiveness.

Councilmember Warden stated there is more noise in Belmont than there was five years ago. He thought there was more noise in certain neighborhoods such as Belburn and Chula Vista.

At this time being 10:30 P.M, on motion by Councilmember Bauer, seconded by Councilmember Metropulos, the meeting was unanimously extended 30 minutes by a show of hands

Community Development Director Ewing stated that staff would return with a draft ordinance with options for Council to consider.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction Regarding the use of a Pedestrian Flag system at certain crosswalks on Ralston Avenue (Warden).

Mayor Warden stated he has tested the Pedestrian Flag system in San Carlos and thought the system worked for him. He requested council concurrence to direct staff to explore whether this would be an effective system for Belmont.

Public Works Director Davis stated staff would need less than 20 hours to survey other cities. He noted other cities had problems with flags being taken.

Council concurred to direct staff to investigate this item.

Consideration of an amendment to Section 5-35 of the Municipal Code to permit ownership of pygmy goats (Warden).

Mayor Warden requested Council concurrence to consider allowing pygmy goats as pets within Belmont. He stated that pygmy goats were comparable to the size and noise of a medium size dog. He stated that a Public Hearing to amend animal ordinance would be necessary.

City Attorney Zaferrano stated that the City Council could consider two options. The first would be to grant a variance; however it would be impossible to make the findings. The second option would be to amend the ordinance.

Community Development Director Ewing stated staff could research what other cities allow.

Councilmember Mathewson stated if the pygmy goats were allowed in Belmont, he would like a one-year review to consider issues that might arise.

Councilmember Metropulos commended the resident for pursuing this request the right way.

Council concurred to pursue an amendment to the Municipal Code.

Consideration of amending Section 10.5.1 and 10.5.2 of the Zoning Code regarding extension of time for Planning Commission and Administrative entitlements (Mathewson).

Councilmember Mathewson stated that an applicant recently applied for an extensions nine months after their permit expired. He would like extensions to be applied for before the original entitlement expires.

Community Development Director Ewing stated this is a practice that the City has followed for a number of years. Staff could notify applicants in advance of pending expiration dates.

City Attorney Zafferano stated that this change would need to be made by adopting an ordinance Council concurred with this amendment to the Zoning Code.

ADJOURNMENT at this time being 10:45 P.M.

Sheila Harrington
Deputy City Clerk

Meeting tape recorded and videotaped
Tape No. 610
Minutes approved June 28, 2005